

Planning Commission Addendum to DRC Staff Report

August 7, 2014



Case No:	Appeal of 14MOD1005
Project Name:	8213 Shelbyville Road
Location:	8213 Shelbyville Road
Owner:	Neal Campbell
Applicant:	Neal Campbell
Project Area/Size:	8,973 sq. ft.
Existing Zoning District:	OR-1, Office/Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Matthew R. Doyle, Planner I

ADDENDUM TO STAFF REPORT

The staff report prepared for DRC contained a factual error in the following paragraph when presenting the findings in a 1986 study of the triangular area that is bounded by Shelbyville Road on the south, Whipps Mill Road to the northwest and Holley Road to the east.

“Similar binding elements were added to each of the properties between 8209 and 8225 Shelbyville Road when each one was granted a change in zoning. The basis of the binding elements in each case was a 1986 small area wide study prepared by the Planning Commission, which recommended that (1) each property be rezoned from residential to low impact office, not commercial; (2) maintain the character of the existing structures; and (3) limit the number of curb cuts on Shelbyville Road. Specifically, it stated that 8211-8225 Shelbyville Road properties would have a 22 foot access road in the rear of the property from either Whipps Mill Road or Holley Road.”

The last sentence is incorrect as pointed out by the applicant. Rather, the study specifically recommends an alternative to the plan proposed in Docket 9-57-86; that is, an office park concept incorporating several homes on Whipps Mill Road and Shelbyville Road with a common parking area in the rear.

I have attached at the end of this addendum what is apparently the small area wide study (**Exhibit A**). It was conducted by Planning Commission staff for Docket 9-67-86, which was a change in zoning request for 8211-8217 Shelbyville Road. It was denied primarily because of the 1986 study and its findings, one of which was a recommendation of unitary plan with a single ingress and egress point on Shelbyville Road and on Whipps Mill Road with a common parking area in the rear. The plan for 9-67-86 (**Exhibit B**) had a crossover access easement along the front of the properties extending from 8211 to 8217 Shelbyville Road. After reviewing this plan and in conjunction with the study that suggested the parking should be in the rear of the Shelbyville Road properties, I inferred that the intent of the study was to have a common parking area and a crossover access easement like the 9-67-86 plan showed, but in the rear. This seemed to be consistent after I conducted further research in all of the rezoning files along this stretch of Shelbyville Road.

Furthermore, I thought there was more to the study as it appears to be a memo and because of other staff reports in the cases along the 8200 block of Shelbyville Road, as well as minutes from those cases that indicated, or alluded to, a small area study conducted in the 1980s. The approved plans also showed and

labeled a 22' crossover agreement in the rear of these properties. I'll list these instances below and attach the documents mentioned at the end of this addendum as exhibits for your review.

- In the Planning Commission Minutes for Docket 9-57-06 (8213 Shelbyville Road), Paul Wahl, Transportation Planner at the time, gave a brief history of this stretch of Shelbyville Road stating that "There was anticipation that all of these lots on this block would rezone, there was an access plan for the area, which was that the access would be from the back ... that there would be one or two key access points onto Shelbyville Road and others would all have access from the rear."

Furthermore, in the resolution adopted by the Planning Commission found that the change in zoning request complied with Policy 6 of Guideline 3 of the Comprehensive Plan with the applicant providing an access easement along the rear of the property to allow for cross lot access to Holley Road.

The Planning Commission also found that the variance request in Docket 9-57-06 was justified in large part because the applicant was providing a required 22 foot access easement and stated "... that over the past 20 years as the properties along this portion of Shelbyville Road have developed, the Planning Commission and the City of Lyndon have requested that access easements be provided along the rear of the properties to allow for access to Mt. Holley Road."

Prior to the Planning Commission, the LD&T minutes stated under the site inspection comments that the "Committee reviewed the site and wanted to ensure the connection through the site to Holley be made, as originally intended." Moreover, staff found that the proposed use is consistent with the mini-plan adopted by the Planning Commission in the late 1980s that recognized that the conversion of these single-family residential houses to office use is desirable, as long as curb cuts on Shelbyville Road are eliminated and one entrance on Shelbyville and one entrance on Holley Road serve all of the properties through an access easement in the rear; therefore this use is consistent with the area and the goals and objectives of the Comprehensive Plan."

Last, the approved plan for 9-57-06 shows the connection and continuation of the existing 22 foot crossover access easement in the rear from 8215 Shelbyville Road to 8213 Shelbyville Road.

See **Exhibit C** to review the minutes and approved plan discussed above.

- In the LD&T minutes of Docket 9-65-03 (8215 Shelbyville Road), staff states in "Issue 1" that there was a small area study done in the early 1980s that basically recommended low intensity conversions of the existing structures with access to be eventually provided along the rear of the properties on to Holley Road. The approved plan for 9-65-03 shows a 22' crossover access easement.

See **Exhibit D** to review the minutes and approved plan discussed above.

- On the approved plan for Docket 9-47-03 (8219 Shelbyville Road), a 22' crossover agreement is shown and labeled in the rear.

See **Exhibit E** to review approved plan discussed above.

- In the resolution adopted for the change in zoning request in Docket 9-17-98 (8217 Shelbyville Road), the Commission found “the proposal to be in conformance with Guidelines T-2 and O-2 because the site will have a 22 foot access road in the rear which will provide access off Holley Road as recommended by the small area wide study.” The approved plan has the 22’ crossover agreement shown and labeled.

See **Exhibit F** to review the minutes and approved plan discussed above.

- In “Issue 2” of the Planning Commission Staff Report prepared for Docket 9-74-93 (8221-8225 Shelbyville Road), staff wrote the following: “Access to the site will be provided from an internal driveway, across the rear of the sites, onto Holley Road. The three office uses will share the proposed access, driveway, and parking areas. If the adjacent residences west of the site are rezoned to allow non-residential uses, the proposed internal driveway on this site should be extended to provide access to those parcels ... An access and crossover easement should be executed among the three owners of the subject site, and with adjacent properties in the future, if they are rezoned.”

See **Exhibit G** to review the staff report discussed above.

- The attorney for the owner in Docket 9-28-89 (8211 Shelbyville Road) submitted both a copy of the Planning Commission minutes for Docket 9-67-86 and a copy of the “memo” to the Planning Commission from Paul Bergman, Commission Director. In the resolution adopted for this case, it was stated that “the applicant agreed to a binding element for a crossover easement agreement between the properties to the east and west which will encourage compact groupings of office uses and buildings with a common access point and is in compliance with the staff study for the area.” In the file for this case, staff found a zoning plan that had been submitted for 8213 Shelbyville Road dated September 29, 1993 showing a 20’ rear crossover access easement similar to the one shown and labeled on the approved plan for Docket 9-57-06.

See **Exhibit H** to review the minutes and zoning plan discussed above.

EXHIBIT A



JEFFERSON COUNTY, KENTUCKY
 PHYSICAL AND ENVIRONMENTAL SERVICES
 LOUISVILLE AND JEFFERSON COUNTY
 PLANNING COMMISSION

HARVEY I. SLOANE, M.D.
 County Judge/Executive

EVELYN L. WALDROP
 Cabinet Director

ERNEST E. ALLEN
 Chief Administrative Officer

PAUL A. BERGMANN, AICP/AIA
 Commission Director

MEMO

TO: Carroll L. Lurding, Chairman and
 Members of the Planning Commission

FROM: Paul A. Bergmann, Director *PAB*

DATE: September 16, 1986

Per your request the staff of the Planning Commission has examined the triangular area that is bounded by Shelbyville Road on the south, Whipps Mill Road to the northwest and Holley Road to the east. In examining this area, we find no reason to extend commercial beyond the C-1 on the corner of Whipps Mill Road and Shelbyville Road and the existing C-2 immediately east thereof. With very few exceptions, Shelbyville Road is entirely residential between Whipps Mill and the Hurstbourne Lane commercial node. The blockface in question adjoins the Oxmoor commercial node, and experiences considerable impacts from high traffic volumes. Possible limited extension of office use as a step down of intensity might be appropriate, however it raises a question as to the easterly cut off point and some control of the number of curb cuts which would interrupt the traffic flow on Shelbyville Road.

Staff is concerned about the piecemeal method of this proposal (Docket No. 9-67-86). To the north of the property are several rather deep lots which face Whipps Mill. Apartments exist across Whipps Mill Road to the west. An alternative would be a unitary plan incorporating the several homes which face Whipps Mill Road and those which face Shelbyville Road, into an office park concept. This would allow creation of a single ingress and egress point on Shelbyville Road and on Whipps Mill Road (with controlled access points to discourage cut thru traffic), and a common parking area between the converted structures in the rear yard area. Every effort should still be made to maintain the residential street character of the area even under such a unitary approach; office complex identification signs only should be permitted at the controlled access points with individual identification signs to the rear for identification from the parking area; mandatory re-use of the existing structures as offices would be a key element of such development. Extensive buffering (50') between the common rear parking area and the homes on Holley Road should be required.

#/ 9-67-86

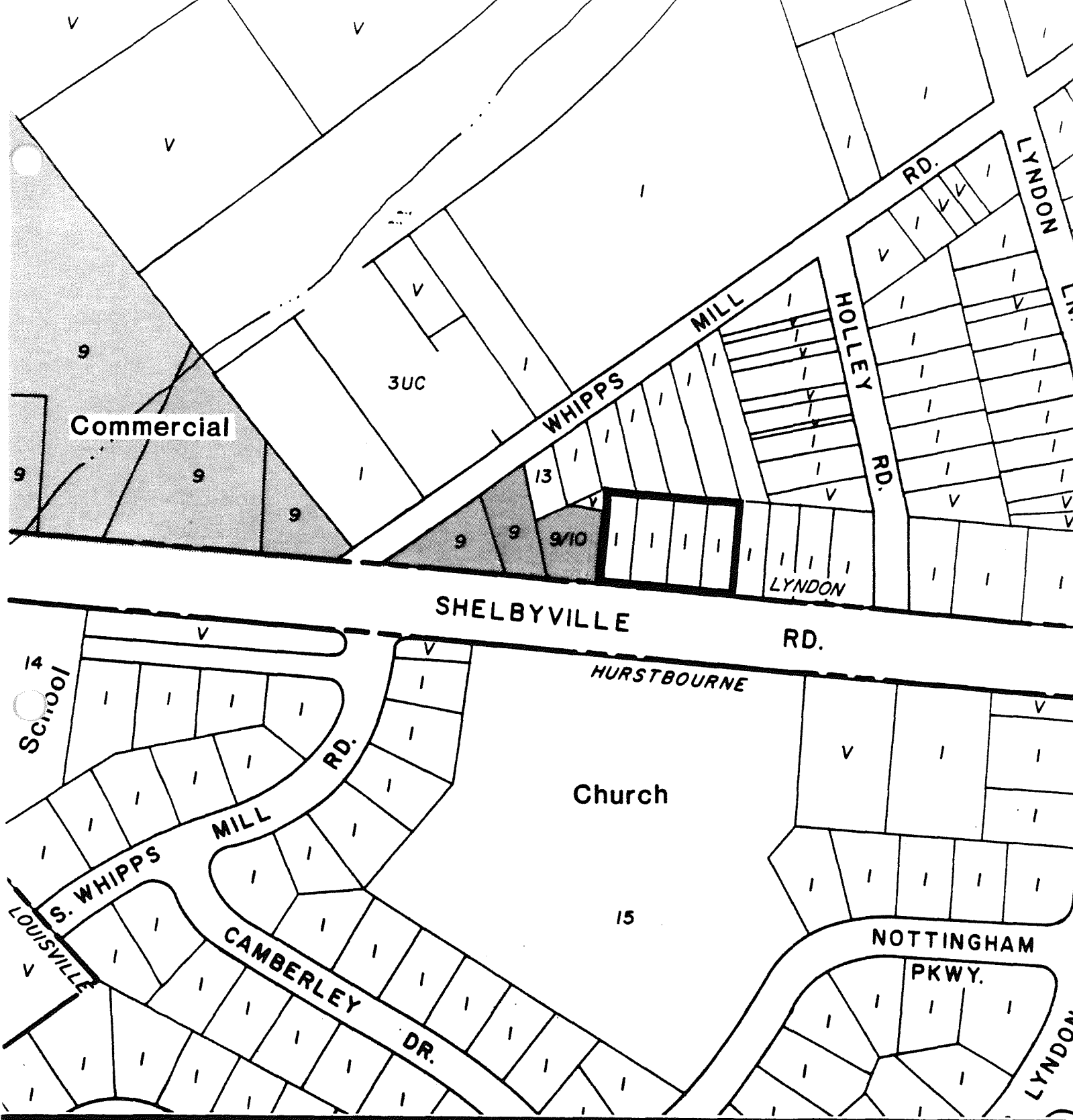
Page 2

Holley Road area should clearly be retained as a residential street.


Staff recollections support Mrs. Auerbach's statement that commercial zoning was not to be extended east of the C-2 site -- Docket No. 9-77-82. Staff is concerned about and would recommend retaining the residential character of this section of Shelbyville Road.

jcb

cc: Evelyn Waldrop
City of Lyndon



LAND USE LEGEND CODE

- | | | |
|---------------------|-----------------------|----------------|
| 1 Single Family | 10 General Commercial | 14 Educational |
| 3 Other Residential | 13 Medical Services | 15 Religious |
| 9 Retail | | V Vacant |
-  Subject Property

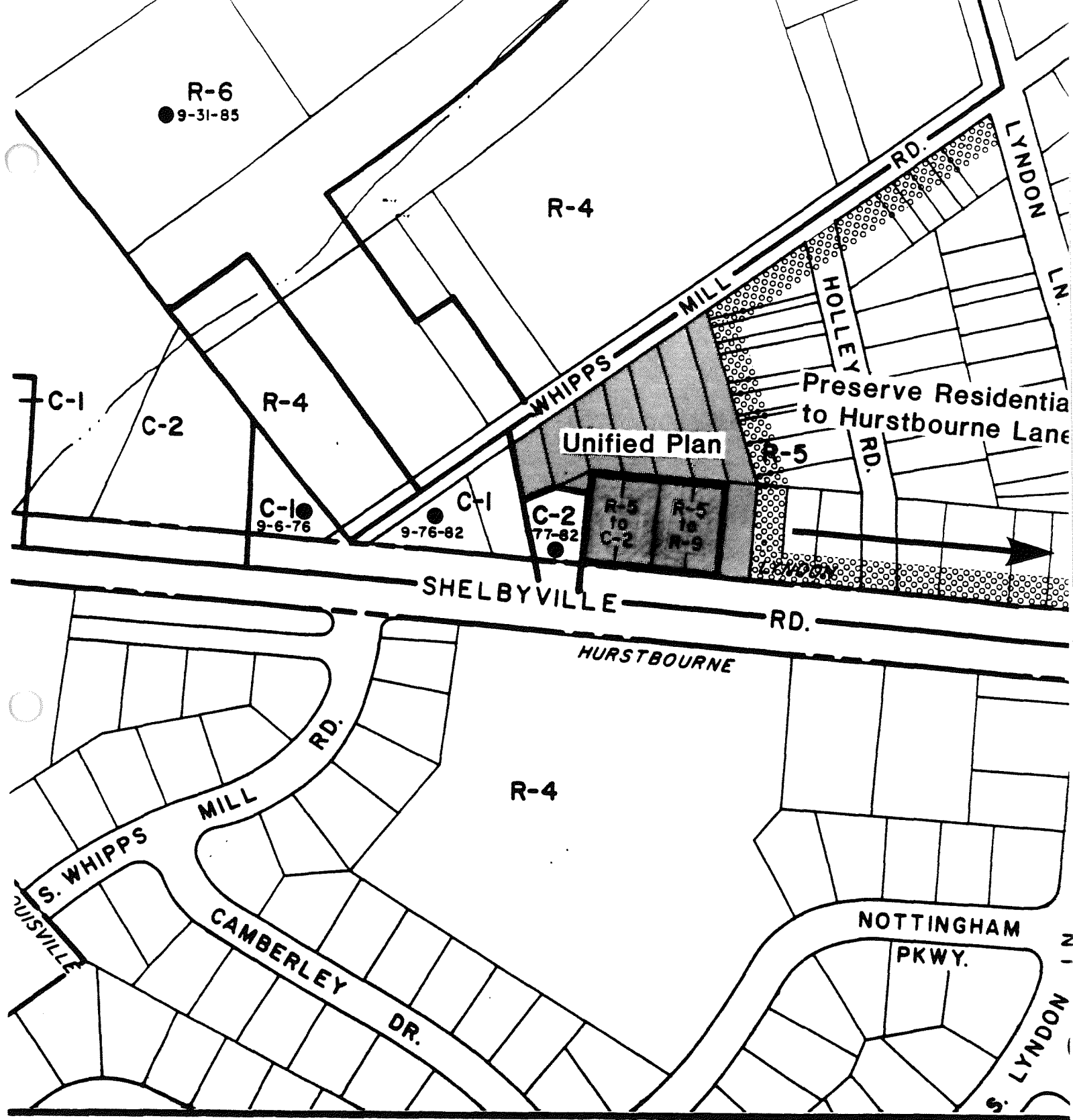


Land Use
 July 17, 1986
 Louisville and Jefferson County
 Planning Commission

Docket No. 9-67-86
 R-5 to R-9 & C-2



Sheet
 27



R-6
● 9-31-85

R-4

C-1

C-2

R-4

C-1
● 9-6-76

C-1
● 9-76-82

C-2
● 77-82

Unified Plan

R-5
to
C-2

R-5
to
R-9

Preserve Residential
to Hurstbourne Lane

SHELBYVILLE RD.

HURSTBOURNE

R-4

MILL RD.

S. WHIPPS

CAMBERLEY DR.

NOTTINGHAM
PKWY.

ZONING DISTRICT LEGEND CODE

- | | |
|-----------------|----------------------|
| R-4 Residential | R-9 Apartment/Office |
| R-5 Residential | C-1 Commercial |
| R-6 Apartment | C-2 Commercial |

 Subject Property



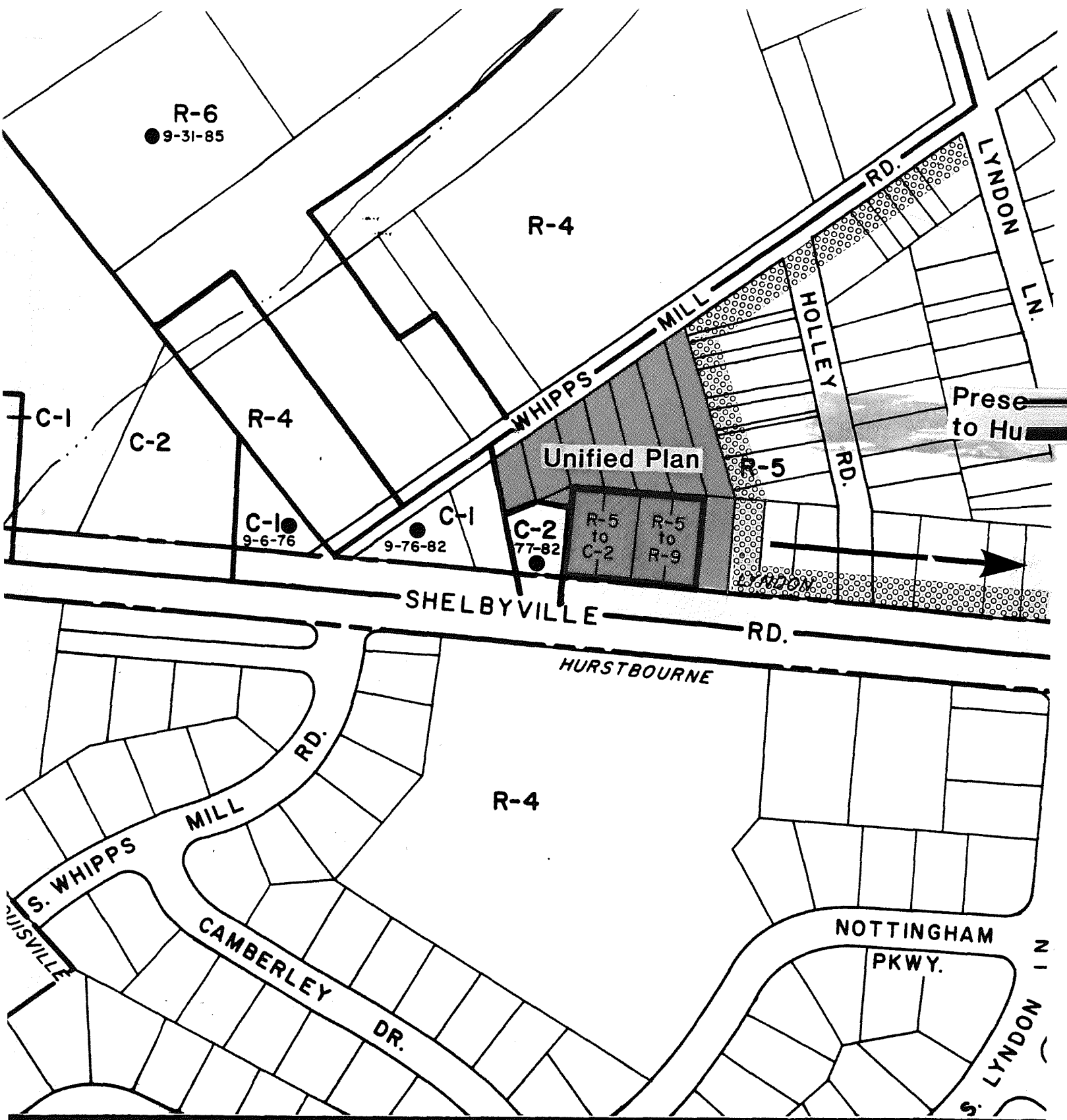
Zoning District Map

Louisville and Jefferson County
Planning Commission

Docket No. 9-67-86
R-5 to R-9 & C-2



Sheet
27



ZONING DISTRICT LEGEND CODE

- | | |
|-----------------|----------------------|
| R-4 Residential | R-9 Apartment/Office |
| R-5 Residential | C-1 Commercial |
| R-6 Apartment | C-2 Commercial |

 Subject Property



Zoning District Map

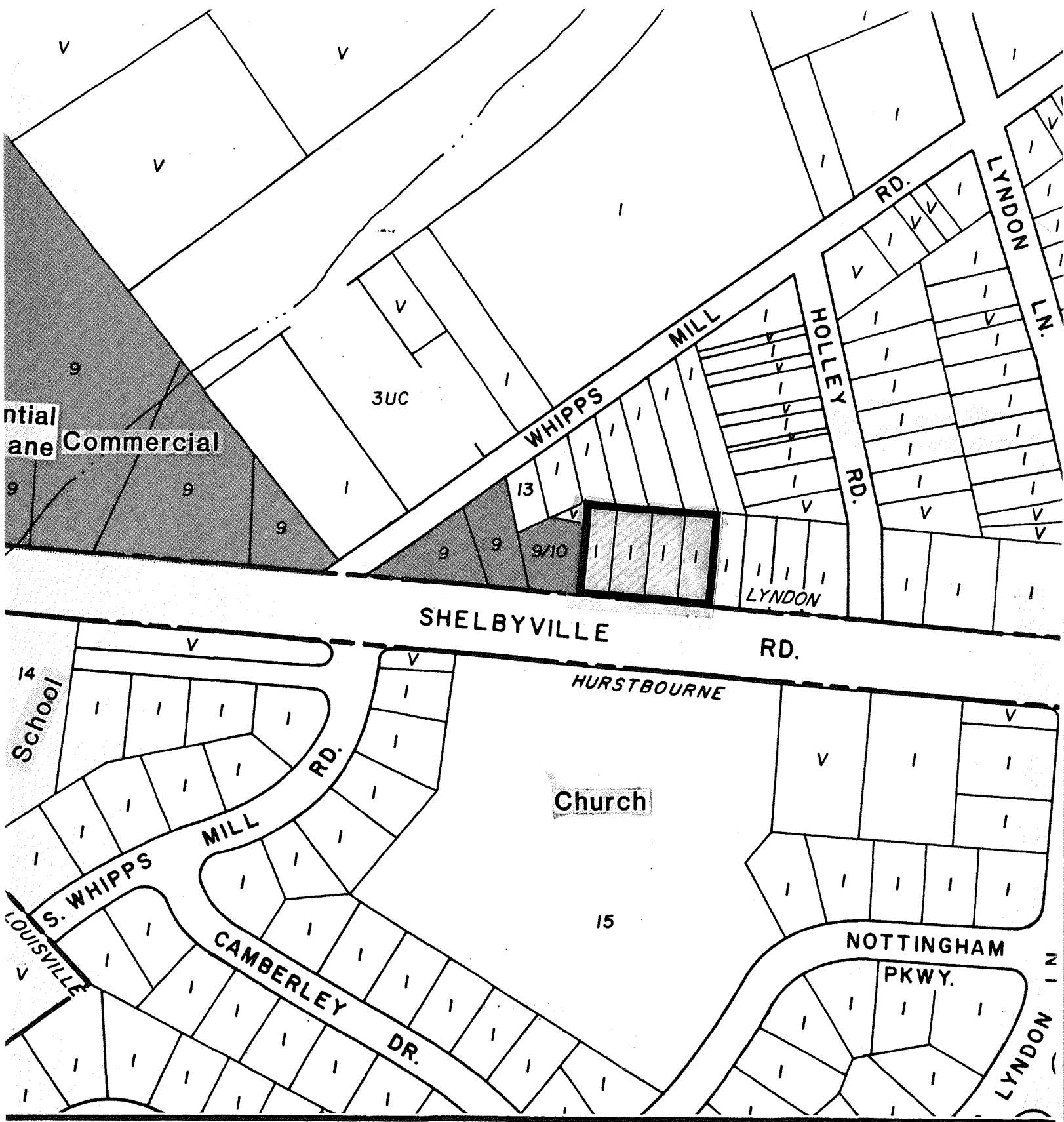
Louisville and Jefferson County
Planning Commission

Docket No. 9-67-86
R-5 to R-9 & C-2



0 100 200
SCALE 1" = 200'

Sheet
27



LAND USE LEGEND CODE


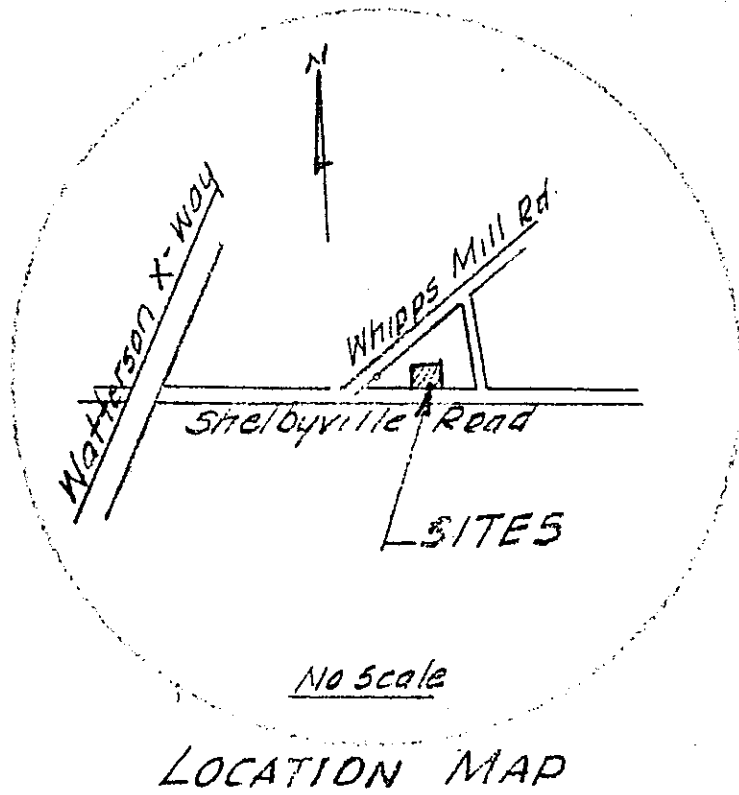
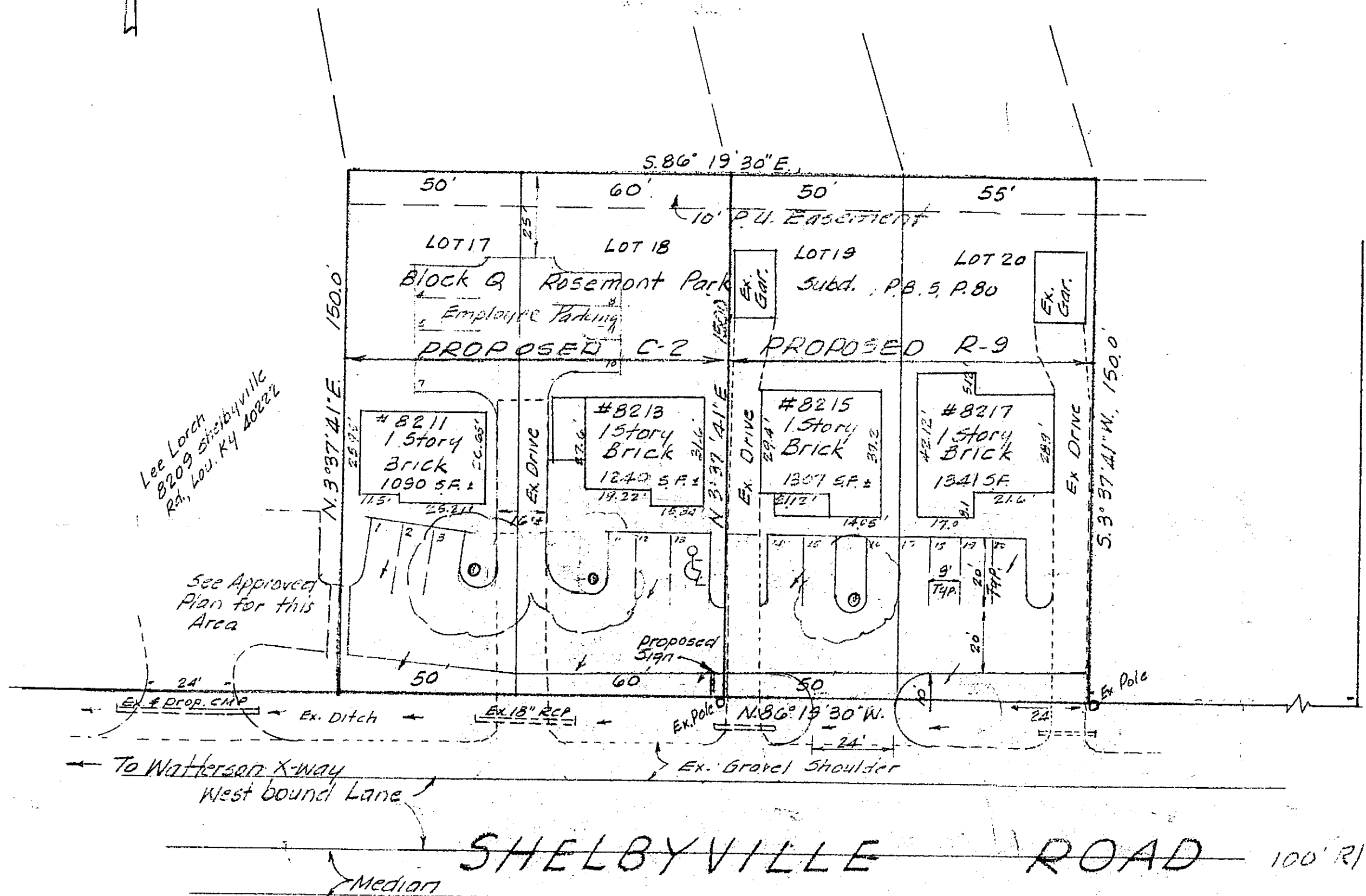
- | | | |
|---------------------|-----------------------|----------------|
| 1 Single Family | 10 General Commercial | 14 Educational |
| 3 Other Residential | 13 Medical Services | 15 Religious |
| 9 Retail | | V Vacant |
-  Subject Property

EXHIBIT B



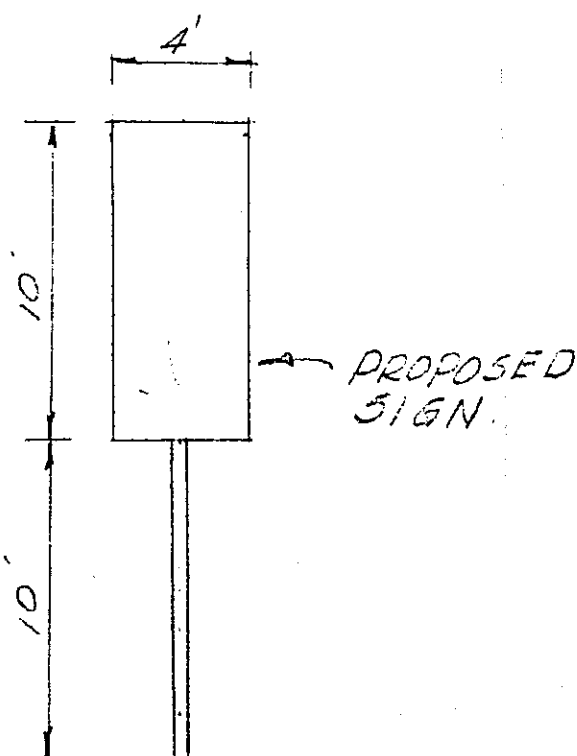
- NOTES**
- Any outdoor lighting must be directed downward and away from adjacent residential areas.
 - All existing driveway entrances to be closed.

Zoning	Blkd Area	Parking
C-2	2830	13
R-9	2648	9



HOLLEY ROAD
 (Formerly Solley Ave.)

DENIED
 DATE Sept. 18, 1986
 BY LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION



PRELIMINARY REVIEW DEVELOPMENT PLAN

SHALL COMPLY WITH ORDINANCE #28

7-10-84 DATE
 JESS JEFF. CO. FIRE SAFETY OFFICER

PRELIMINARY APPROVAL DEVELOPMENT PLAN

CONDITIONS: _____

BY: Dwy Scales
 DATE: 7-10-84
 JEFFERSON COUNTY DEPT. OF PUBLIC WORKS

RECEIVED
 JUL 11 1986

LOUISVILLE & JEFFERSON COUNTY PLANNING COMMISSION

ZONING PLAN FOR
BOONE, CARTER GIESLER & HUNT
 8203 Shelbyville Rd. Lou. Ky 40222

SCALE, 1"=30' AUG. 30, 1984
 Rev. 3-18-84
 Development Planning & Engineering
 13120 Aiken Rd. Lou. Ky 40223

B-102-86-9-67-86

EXHIBIT C

PLANNING COMMISSION MINUTES

January 18, 2007

PUBLIC HEARING

NEW BUSINESS

DOCKET NO. 9-57-06VW

Paula Wahl, Transportation Planner, gave a history of this stretch of Shelbyville Road and these adjoining properties. There was anticipation that all of these lots on this block would rezone, there was an access plan for the area, which was that the access would be from the back. It was never intended that there would be NO access to Shelbyville Road; rather, that there would be one or two key access points onto Shelbyville Road and others would all have access from the rear.

Commissioner Wells-Hatfield read a statement from the staff report stating that curb cuts be eliminated onto Shelbyville Road "except for one". Ms. Byers explained her research on these properties and said that this driveway can be used for an access onto Shelbyville Road with a proper crossover access easement for the other properties.

Commissioner Storm said it appeared that this was the only structure that had 20 feet between itself and an adjoining building.

SUMMARY OF TESTIMONY OF OPPONENTS:

No one spoke.

SUMMARY OF TESTIMONY OF INTERESTED PARTIES:

No one spoke.

REBUTTAL:

There was no need for rebuttal, because no one spoke in opposition.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the January 18, 2007 proceedings.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION**

March 1, 2007

DOCKET NO 9-57-06VW

complies with the intent of this guideline, being located on a commercially heavily traveled corridor, the development utilizes existing infrastructure and will not require any new facilities to exist. There are currently adequate transportation facilities and other necessary utilities and that the proposal is compatible with the existing businesses that have successfully blended in with this area for many years; and

WHEREAS, the Commission finds that this proposal complies with Guideline 3 of the Comprehensive Plan in the fact that this property is located along Shelbyville Road, a heavily traveled major arterial. The majority of the properties in this area are non-residential, including small professional offices and retail uses. The property is similar in size and scope to the surrounding properties; and

WHEREAS, the Commission finds that this proposal complies with Policy 1 of Guideline 3 since the scale and site design of the existing property already is compatible with the surrounding similar looking residential structures. No new building is proposed on this site as the existing building will be utilized for the proposed office use; and

WHEREAS, the Commission finds that this proposal complies with Policy 2 of Guideline 3 because the applicant will use the existing buildings along with its building materials that blend with the other surrounding properties; and

WHEREAS, the Commission finds that this proposal complies with Policy 4 of Guideline 3 of the Comprehensive Plan because the existing use will not have an adverse impact on adjacent residential uses regarding traffic, parking, signs, lighting, noise, odor and stormwater. Projected additional traffic is very minimal with off-street parking being provided for customers. This use will not create any objectionable noises or odors; and

WHEREAS, the Commission finds that this proposal complies with Policy 6 of Guideline 3 of the Comprehensive Plan with the applicant providing an access easement along the rear of the property to allow for cross lot access to Holley Road; and

WHEREAS, the Commission finds that this proposal complies with Guideline 6 of the Comprehensive Plan because, as stated elsewhere, the proposal uses existing and adequate infrastructure for redevelopment; and

WHEREAS, the Commission finds that this proposal complies with Guideline 9 of the Comprehensive Plan because as noted on the detailed development plan

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION**

March 1, 2007

DOCKET NO 9-57-06VW

The vote was as follows:

YES: Commissioners Hamilton, Abstain, Storm, Ernst, Carlson, Queenan, Wells-Hatfield and Howard.

NO: No one.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: Commissioner Blake.

Variance

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, The Commission finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case that the proposal complies with the Land Development Code guidelines, Chapter 11.5B.1 B (items 1-5) and that the application is in agreement with the Guidelines of the Comprehensive Plan for Louisville Metro, Kentucky and;

WHEREAS, The Commission finds that the application is in agreement with the Policies of the Comprehensive Plan for Metro Louisville. The Commission further finds that the while the Neighborhood Form District is appropriate, the existing R-5 Single Family Residential zoning classification of the subject property is not appropriate, having recognized that while zoned residential, the property is located within a largely commercial area of Shelbyville Road and surrounding properties have been rezoned over the past 20 years to the OR-1 zoning classification with a variety of small professional office uses.

WHEREAS, the Commission finds that a variance is necessary due to Chapter 5.3.1.C.5 requires a 15 foot setback along the rear property line. The lot is a standard R-5 lot (approximately 9000SF, 60 feet in width and 150 feet in length) with the existing house sitting approximately in the middle of the lot, 54 feet from the front property line and 62 feet from the rear property line; this creates difficulty in addressing the requirements of the Land Development Code.

WHEREAS, the Commission finds that over the past 20 years as the properties along this portion of Shelbyville Road have developed, the Planning Commission and the City of Lyndon have requested that access easements be provided along the rear of the properties to allow for access to Mt. Holley Road. The applicant is

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION**

March 1, 2007

DOCKET NO 9-57-06VW

providing a 22 foot access easement which aligns with the required access easement to the East (8215 Shelbyville Road). The access easement is located approximately 15 feet from the rear of the existing structure and is outside the required parking area. By providing the required 22 foot access easement the required parking area shifted closer to the rear property line and into the required 15 foot rear yard.

WHEREAS, the Commission finds that the proposal complies with LDC Guideline 11.5.B.1B1- in that the application complies with the purpose and intent and all other requirements of the Code.

WHEREAS, the Commission finds that the building setbacks is consistent with existing nonresidential uses along Shelbyville Road and is necessary to allow room on site for the required 22 foot access easement. Furthermore the Commission finds that the granting of the variance will have no adverse impact on the public health, safety or welfare, nor will it alter the essential character of the general vicinity, nor cause a hazard or nuisance to the public or allow an unreasonable circumvention of the regulations since there is an existing 6 foot solid wood fence along the common rear property line.

WHEREAS, the Commission finds that while the applicant is responsible for the proposed development plan, the lot shape and additional access requirements, existing building placement limit the area of development and that the site is located within an urban area with adequate facilities and infrastructure. The location of the existing structure and the length of the property along with the requirement of the 22 foot access easement make the placement of the required parking difficult on this lot. The proposed layout is similar to other office uses along Shelbyville Road including the uses on either side of this lot.

WHEREAS, the Commission finds that the strict application of this regulation would prevent the applicant from developing the property with the existing building, proposed parking area design and use. This large setback/buffer will substantially lessen the area of development and would not allow for the required parking or for the required 22 foot access easement.

WHEREAS, the Commission finds that the is providing a necessary portion of the access easement that will allow all uses along this portion of Shelbyville Road to have access to Mt. Holley Road and that this variance request does not arise from action taken by the applicants subsequent to the adoption of the zoning regulation from which relief is sought.

LD&T MINUTES

DECEMBER 14, 2006

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Site Inspection Comments:

Committee reviewed the site and wanted to ensure the connection through the site to Holley be made, as originally intended. Also the committee felt the land use and form district was appropriate.

Staff Findings

1. Staff finds that the land use is appropriate for the site, and that the rezoning is consistent with the Comprehensive Plan (guidelines noted below).
2. Staff finds that the proposed screening and buffering is appropriate and sufficient to screen the site from adjacent land uses.
3. Staff finds that the proposed use is consistent with the mini-plan adopted by the Planning Commission in the late 1980's that recognized that the conversion of these single-family residential houses to office use is desirable, as long as curb cuts on Shelbyville Road are eliminated and one entrance on Shelbyville and one entrance on Holley Road serve all of the properties through an access easement in the rear; therefore this use is consistent with the area and the goals and objectives of the Comprehensive Plan.

Relationship to Comprehensive Plan - Cornerstone 2020 Plan Elements:

Community Form: Community Form: The site is currently occupied with a single-family residential home.

From staff review of the land use in the area, as well the recommendations of the small area adopted by the Planning Commission in the 1980's concerning re-use of these single-family residential properties along this stretch of Shelbyville Road, staff finds that this zoning change is justified.

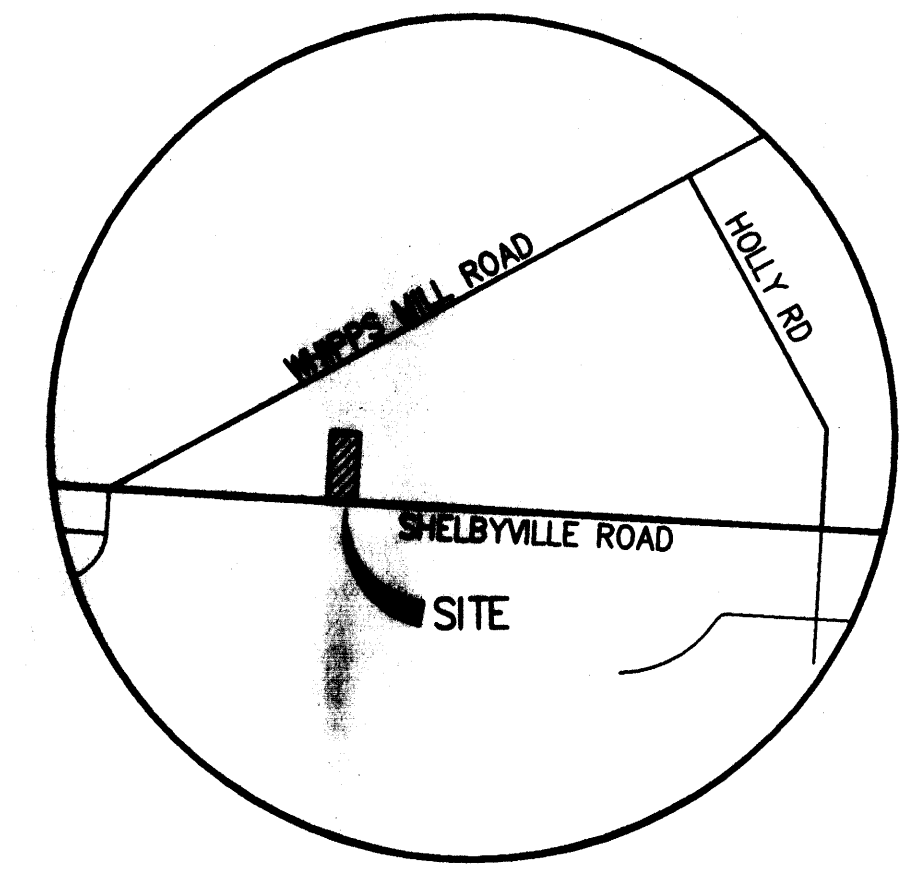
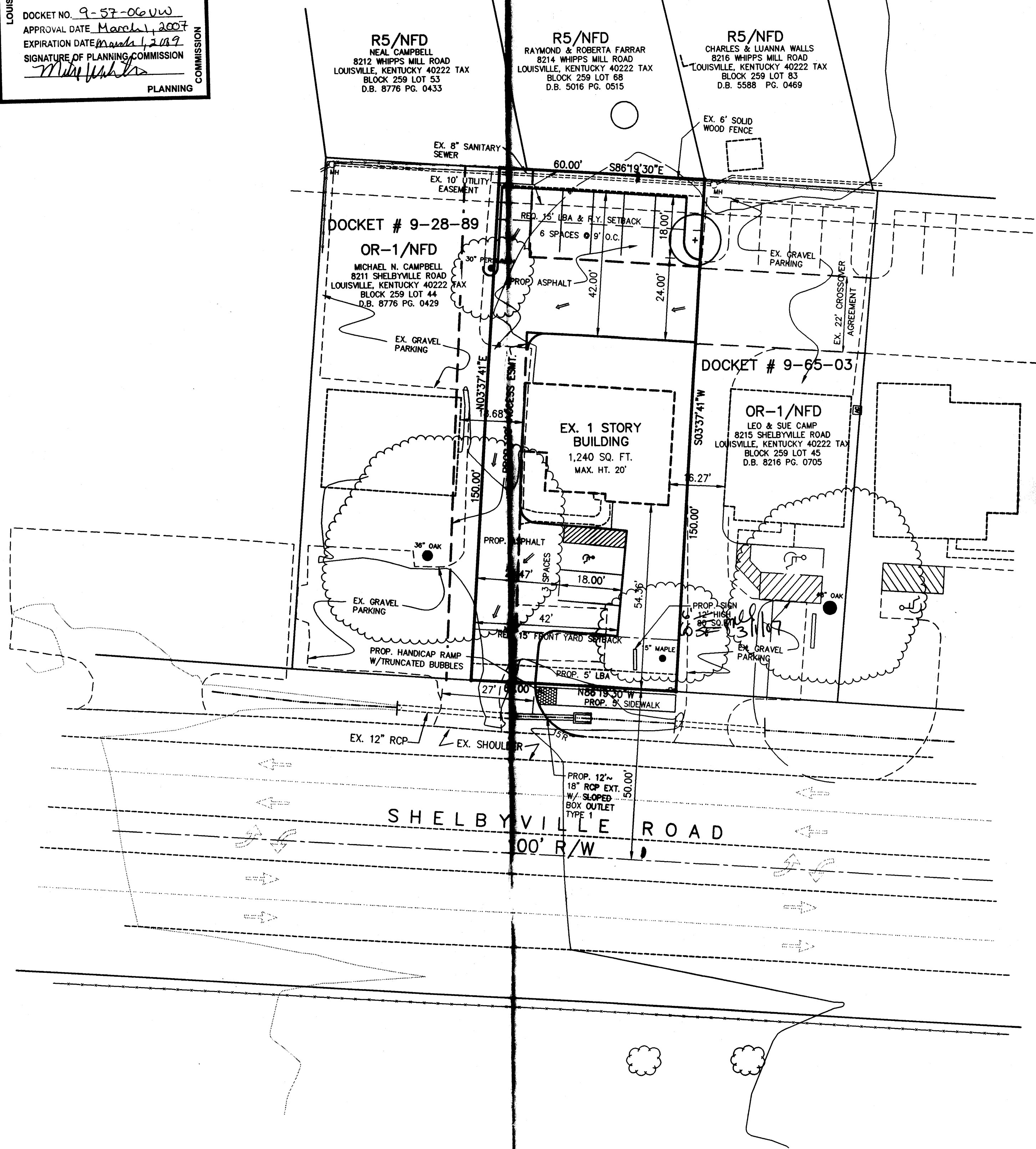
PRELIMINARY APPROVAL
 Conditions of Approval:
 NOV 0 9 2006
 RECEIVED
 PLANNING & DESIGN SERVICES
 LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

LOUISVILLE METRO APPROVED DISTRICT DEVELOPMENT PLAN
 DOCKET NO. 9-57-06-VW
 APPROVAL DATE March 1, 2007
 EXPIRATION DATE March 1, 2009
 SIGNATURE OF PLANNING COMMISSION
 PLANNING COMMISSION

GENERAL NOTES:

- TOPOGRAPHIC INFORMATION PROVIDED BY MSD LOJC.
- DRAINAGE PATTERN DEPICTED BY ARROWS (⇒) IS FOR CONCEPT PURPOSES ONLY. FINAL CONFIGURATION AND DESIGN OF DRAINAGE PIPES AND CHANNELS SHALL BE DETERMINED DURING THE CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
- BOUNDARY INFORMATION TAKEN FROM DEEDS AND DOES NOT CONSTITUTE A SURVEY.
- AN APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPCS) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATION TO THE APPROVED EPCS PLAN MUST BE REVIEWED AND APPROVED BY MSD'S PRIVATE DEVELOPMENT REVIEW OFFICE. EPCS BMP'S SHALL BE INSTALLED PER THE PLAN AND MSD STANDARDS.
- DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREAS ARE SEEDED AND STABILIZED.
- ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS. SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.
- SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.
- WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF THE SITE, TEMPORARY SITE STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
- KENTUCKY DEPARTMENT OF TRANSPORTATION APPROVAL REQUIRED.
- THERE SHALL BE NO INCREASE IN DRAINAGE RUN-OFF TO THE RIGHT-OF-WAY.
- THERE SHALL BE NO COMMERCIAL SIGNS IN THE RIGHT-OF-WAY.
- THERE SHOULD BE NO LANDSCAPING IN THE RIGHT-OF-WAY WITHOUT AN ENCROACHMENT PERMIT.
- CONSTRUCTION PLANS, KTC BOND AND PERMIT ARE REQUIRED PRIOR TO CONSTRUCTION APPROVAL BY METRO PUBLIC WORKS.
- NO INCREASE IN VELOCITY AT POINT OF DISCHARGE AT PROPERTY LINE.
- THE DEVELOPER WILL UTILIZE EXISTING SANITARY SEWER CONNECTION.
- THE DEVELOPER WILL BE RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
- CITY OF LYNDON APPROVAL REQUIRED.
- DUMPSTER NOT REQUIRED. GARBAGE COLLECTION AT STREET.

NORTH



LOCATION MAP
NO SCALE

DATA

TOTAL SITE AREA	0.21 ACRES
EXISTING ZONING	R-5
EXISTING FORM DISTRICT	NEIGHBORHOOD RESIDENTIAL
EXISTING BUILDING AREA	1,240 SQ.FT.
PROPOSED ZONING	OR-1
PROPOSED USE	OFFICE
F.A.R.	0.14

PARKING CALCULATIONS

MIN. PARKING REQUIRED	8 SPACES
SP/100 SQ.FT.	
MIN. PARKING ALLOWED	17 SPACES
SP/100 SQ.FT.	
EXISTING PARKING PROVIDED	2 SPACES
PROPOSED PARKING	9 SPACES

SEE TREE CANOPY REQUIREMENTS

SEE CANOPY CATEGORY CLASS C

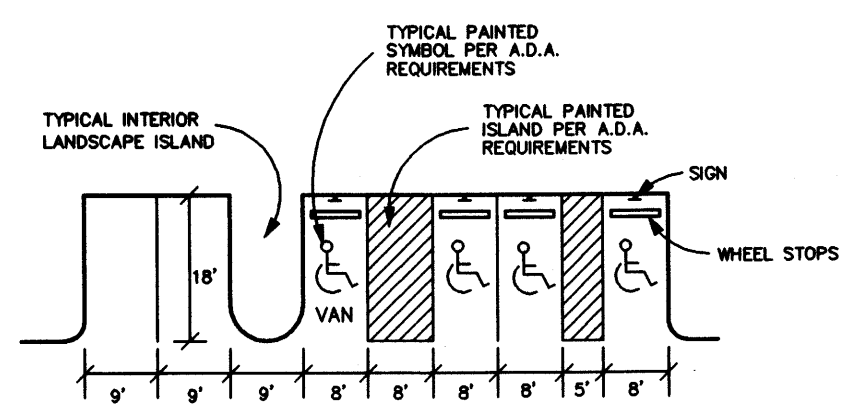
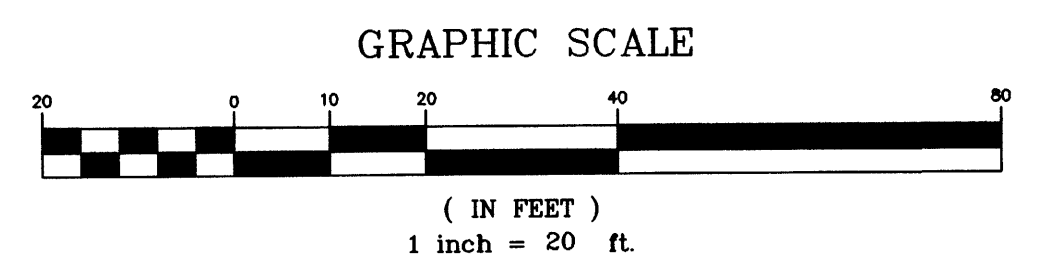
TOTAL SITE AREA	9,148 S.F.
EX. TREE CANOPY TO BE PRESERVED	13% (1,200 S.F.)
TREE CANOPY REQUIRED	16% (1,484 S.F.)
ADDITIONAL TREE CANOPY REQUIRED	3% (284 S.F.)
NEW TREE CANOPY PROVIDED	17% (24,000 S.F.)
1 TREE "A" CATEGORY TREES (720 S.F. EACH)	720 S.F.
TOTAL TREE CANOPY PROVIDED	21% (1,820 S.F.)

LANDSCAPE REQUIREMENT

V.U.A.	4,059 SQ.FT.
7.5% REQUIREMENT	304 SQ.FT.
I.L.A. PROVIDED	1,643 SQ.FT.

WAIVERS AND VARIANCES

- REQUEST A WAIVER TO REDUCE REQUIRED REAR L.B.A. FROM REQUIRED 15' TO 5'.
- REQUEST VARIANCE TO ALLOW PARKING TO ENCROACH 10' INTO THE REQUIRED 15' REAR YARD SETBACK.



TYPICAL PARKING DETAIL
NO SCALE

TRANSPORTATION APPROVAL PRELIMINARY DEVELOPMENT PLAN
 CATEGORY: 2 3 4
 CONDITIONS:
 BY: [Signature]
 DATE: 11/30/06

NO.	DATE	DESCRIPTION	BY
1	11/07/2006	REVISIONS PER AGENCY COMMENTS	DHS

BTM ENGINEERING, INC.
 Consulting Engineers Landscape Architects Planners
 3001 Taylor Springs Drive
 Louisville, Kentucky 40220
 Phone: (502)-459-8402
 Fax: (502)-459-8427

DATE
 SIGNATURE

DATE
 SIGNATURE

DETAILED DISTRICT DEVELOPMENT PLAN
8213 SHELBYVILLE ROAD
 TAX BLOCK 259 LOT 88 D.B. 8201 PG. 0433
 WILLIAM G. HUNT
 10807 DARTFORD PL.
 LOUISVILLE, KENTUCKY 40243

DRWN BY: DSR
 CHKD BY: MAB
 DATE: JUNE 2006
 DRAWING: 060197-DDP
 SCALE: 1" = 20'
 SHEET 1 OF 1

EXHIBIT D

LD&T MINUTES

December 11, 2003

DOCKET NO. 9-65-03LWPW

Change in zoning from R-5 Single Family Residential to OR-1 Office Residential and a parking waiver to permit the number of parking spaces to be reduced from 5 to 4, and to reduce the landscape buffer area on the north and west property lines, on property located at 8215 Shelbyville Road, containing 0.17 acres and being in the City of Lyndon.

Owner: Leo F. & Sue E. Camp

Applicant: Leo F. & Sue E. Camp

Existing Uses: Single Family Residential

Proposed Use: Office

Council District: 18—Julie Raque Adams
Staff Case Manager: **Stephen Lutz, AICP.**

COMMENTS:

The applicant is proposing to convert an existing structure to 1,335 SF of office space.

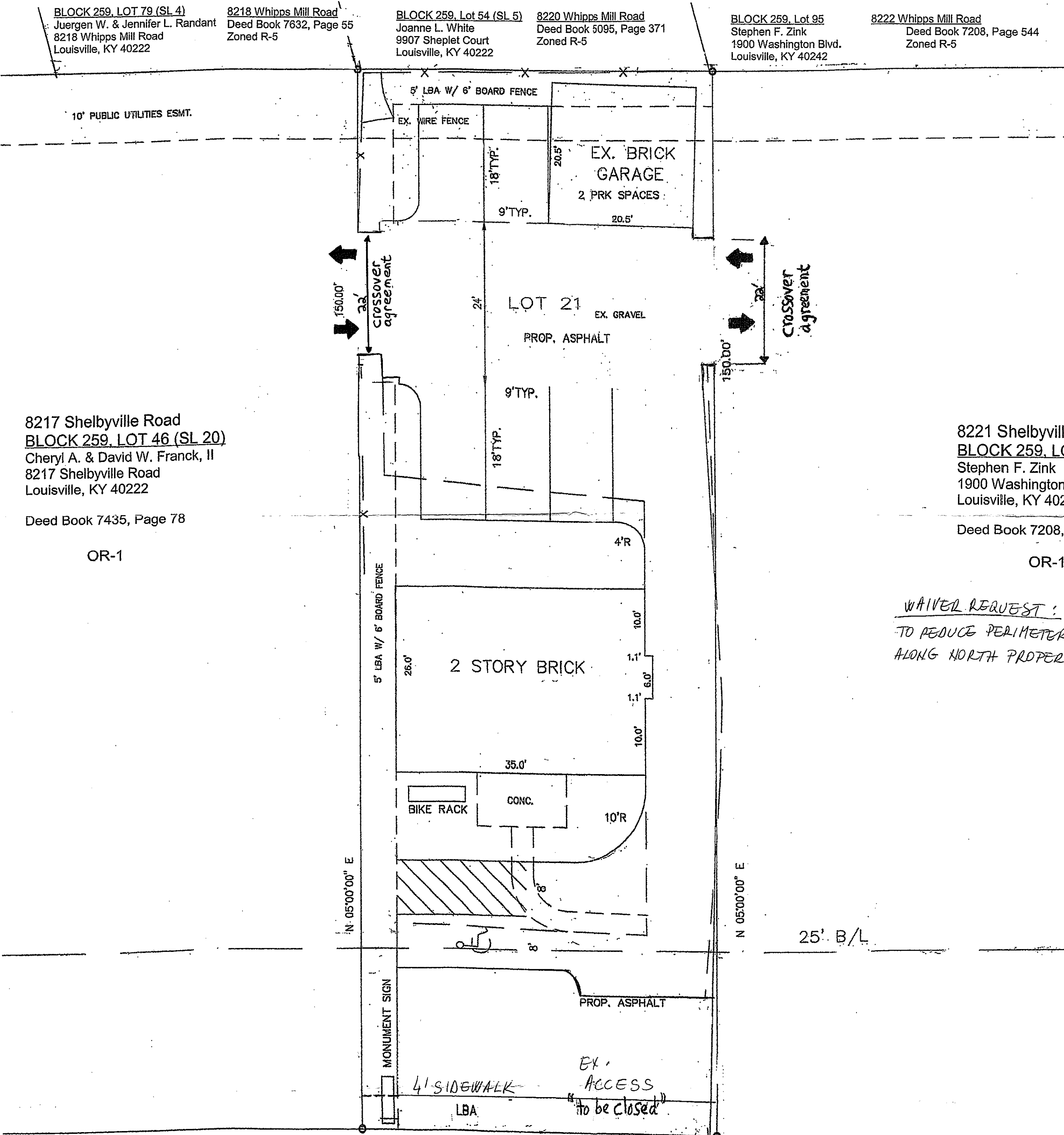
Issues:

- 1 This property is located within the Neighborhood Form District. Because this application is for change in use only and no new buildings or structures are proposed, the site design is not required to comply with NF Design Standards (Section 5.1.2). The development plan shall comply with the other applicable requirements of the LDC (landscaping, parking). A small area study was done in the early 1980's for this area, and the basic recommendation was for low intensity conversions of the existing structures, with access to be eventually provided along the rear of the properties on to Holly Road, and the closure of all the existing curb cuts on Shelbyville.
2. **Chapter 8, Sign Regulations:**
A 6 foot tall, 60 SF sign is proposed. This meets the requirements of the development code.
3. **Chapter 9, Parking regulations:**
The applicant has requested a parking waiver from five spaces to four. This waiver is only needed if a medical or dentists office is proposed. Staff has received phone calls from an adjacent property owner who thinks that parking is a too scarce already, therefore a parking waive may

EXHIBIT E

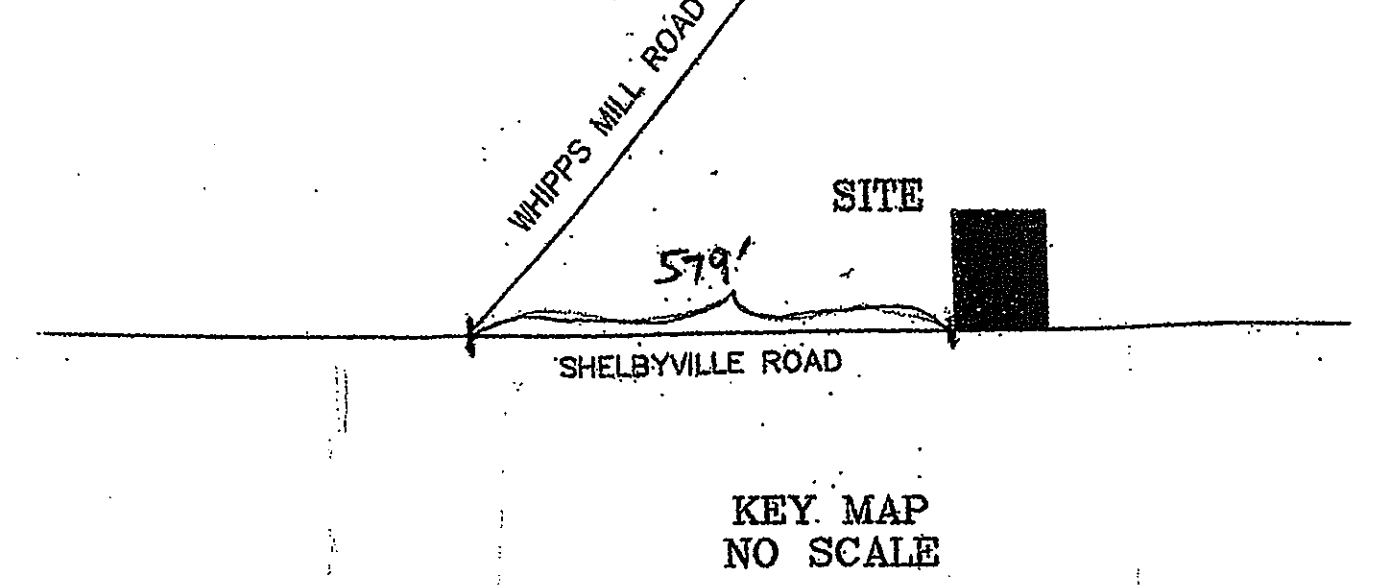
METRO
APPROVED DISTRICT DEVELOPMENT PLAN
 DOCKET NO. 9-47-03W
 APPROVAL DATE April 1, 2004
 EXPIRATION DATE
 SIGNATURE OF PLANNING COMMISSION *[Signature]*
 PLANNING COMMISSION

NOTICE (See Back)
 PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN.



8217 Shelbyville Road
 BLOCK 259, LOT 46 (SL 20)
 Cheryl A. & David W. Franck, II
 8217 Shelbyville Road
 Louisville, KY 40222
 Deed Book 7435, Page 78

8221 Shelbyville Road
 BLOCK 259, LOT 48 (SL 22)
 Stephen F. Zink
 1900 Washington Blvd.
 Louisville, KY 40242
 Deed Book 7208, Page 544



Site Data
 Lot Size: 7500 sq. ft. (0.172 Acres)
 Existing Zoning: R-5
 Requested Zoning: *OR-1*
 Existing Uses: Consignment shop, jewelry sales, antique sales
 Proposed Uses: Consignment shop, jewelry sales, antique sales
 Building Size: 1st Floor - 918 sq. ft.
 2nd Floor - 918 sq. ft.
 Total - 1836 sq. ft.

Parking Data
 Parking Spaces Required: 7 spaces TO BE DETERMINED WHEN USE IS DETERMINED
 Parking Spaces Provided: 8 spaces* IS DETERMINED
 (*includes 1 Handicap Space)

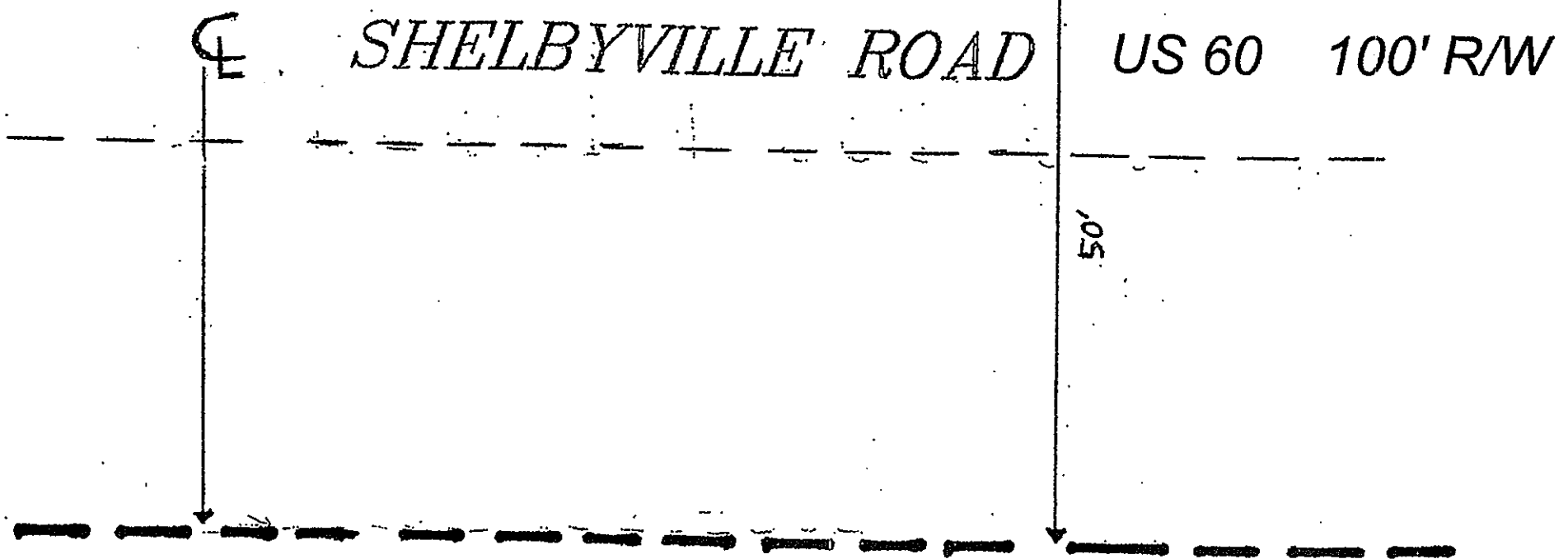
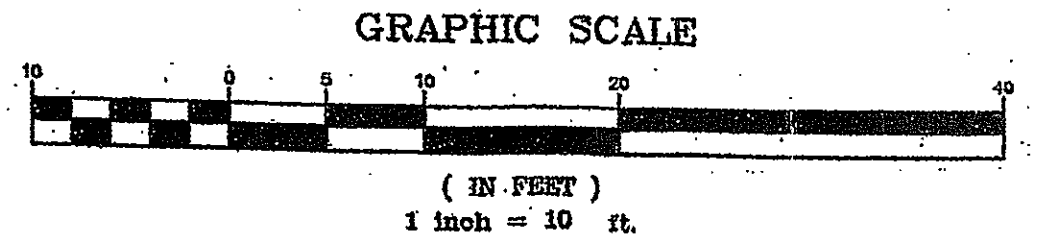
Sign Information
 Directional Sign: 12 in. wide x 16 in. tall
 Monument Sign: 6 ft. wide x 6 ft. tall
 8 ft. total height

LANDSCAPING CALCULATIONS
 VUA 4390 sq. ft.
 ILA 631 sq. ft.

*WAIVER REQUEST:
 TO REDUCE PERIMETER LANDSCAPING
 ALONG NORTH PROPERTY LINE.*

PRELIMINARY APPROVAL DEVELOPMENT PLAN
 CONDITIONS:

BY: *[Signature]*
 DATE: 11/24/03
 LOUISVILLE/JEFFERSON COUNTY METRO PUBLIC WORKS



PRELIMINARY APPROVAL
 Conditions of Approval _____

Albi Shonta 11/24/03
 Development Review Date
 LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

GENERAL/DETAILED DISTRICT DEVELOPMENT PLAN FOR 8219 SHELBYVILLE ROAD

ZONE CHANGE FROM R-5 to *OR-1*

Owner: PDP Investments, LLC
 180 Sears Avenue
 Louisville, KY 40207
 Tax Block 259, Lot 47, SL 21
 Deed Book 6635, Page 411

RECEIVED

NOV 20 2003
 PLANNING & DESIGN SERVICES

MSD Water Management # 6103

9-47-03

BINDING ELEMENTS
DOCKET NO. 9-47-03W

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Lyndon that the change in zoning from **R-5 Single Family Residential to OR-1 Office/Residential**, on property described in the attached legal description be **APPROVED ON CONDITION** that the applicant amend the plan to reflect changes requested by staff, and amend the zoning justification and application to OR-1 instead of OR-3 within two weeks of this approval date; and that the binding elements also be amended to reflect that there will be no medical office uses as part of the approved OR-1; and that it be further

RESOLVED, That the Louisville Metro Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the city of Lyndon, for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to uses permitted in the OR-1 Zoning District. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 1836 square feet of gross floor area.
4. There shall be no direct vehicular access to Shelbyville Road. The existing access point to Shelbyville Road is to be closed and access to the site be made from the rear through the adjoining property over an existing easement of ingress and egress as shown on the development plan.
5. Signs shall be in accordance with Chapter 8 and as presented at the public hearing (36 sq. ft. in area and 8 ft. tall).
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site. There shall be no outdoor storage or display on the site.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from *Louisville Metro Department of Public Works and the Metropolitan Sewer District (700 West Liberty)*.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in *Chapter 10* within 90 days of the plan approval. Such plan shall be implemented within 120 days of the Landscape Plan approval and shall be maintained thereafter.
 - d. The property owner shall provide a cross over access easement to the property to the west. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners (8217-8221 Shelbyville Road) and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
9. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
11. Directional style signage is required stating that parking is permitted at the rear of the site.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
14. If any new lighting is installed, the applicant shall provide documentation showing that the development complies with all the regulations from *Chapter 4, Part 1, Section 3*, Lighting. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Light Trespass.

LANDSCAPE WAIVER:

RESOLVED, That the Louisville Metro Planning Commission does hereby **APPROVE** the landscape waiver to reduce required perimeter LBA along the north property line as shown on the development plan.

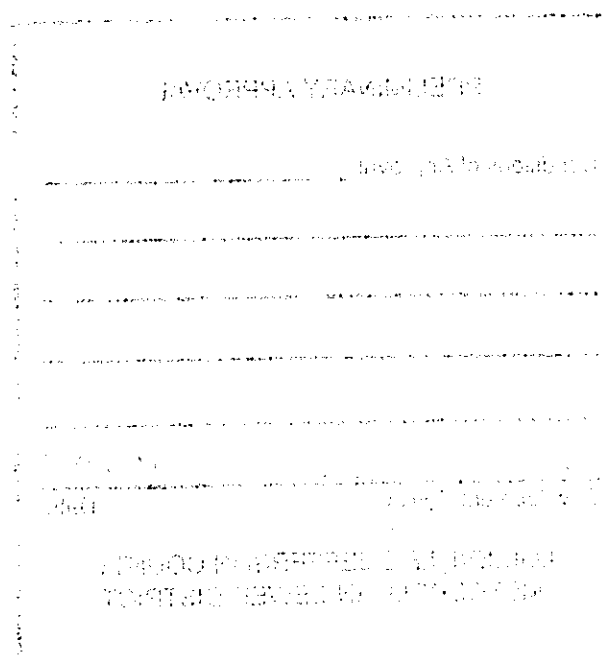
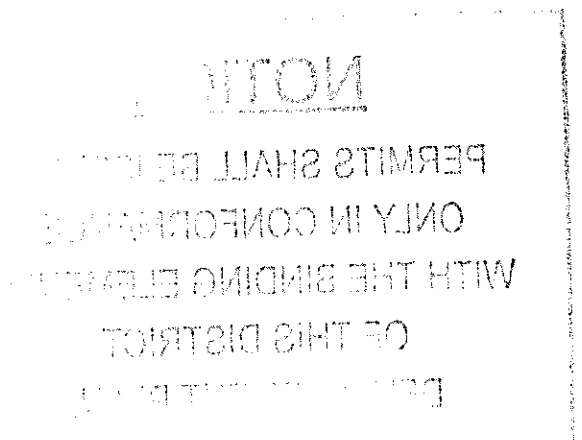
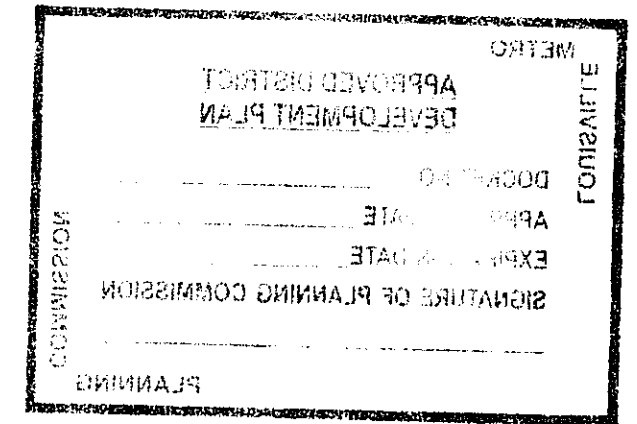


EXHIBIT F

PLANNING COMMISSION MINUTES

MAY 21, 1998

NEW BUSINESS

Public Hearing and Consideration of Cases

DOCKET NO. 9-17-98

No one spoke in opposition.

In a business session conducted subsequent to the public hearing, the Commission took the following action.

On a motion by Commissioner Thieneman, the following resolution was adopted:

WHEREAS, The Commission finds the proposal to be in conformance with Guideline R-1 because the site is located in a mixed use area with OR-1 and C-2 within a few hundred feet of the subject site, and a 1986 small area wide study prepared by Planning Commission recommends this site zoning be changed to a low impact office,

WHEREAS, The Commission finds the proposal to be in conformance with Guidelines T-2 and O-2 because the site will have a 22 foot access road in the rear which will provide access off Holley Road as recommended by the small area wide study,

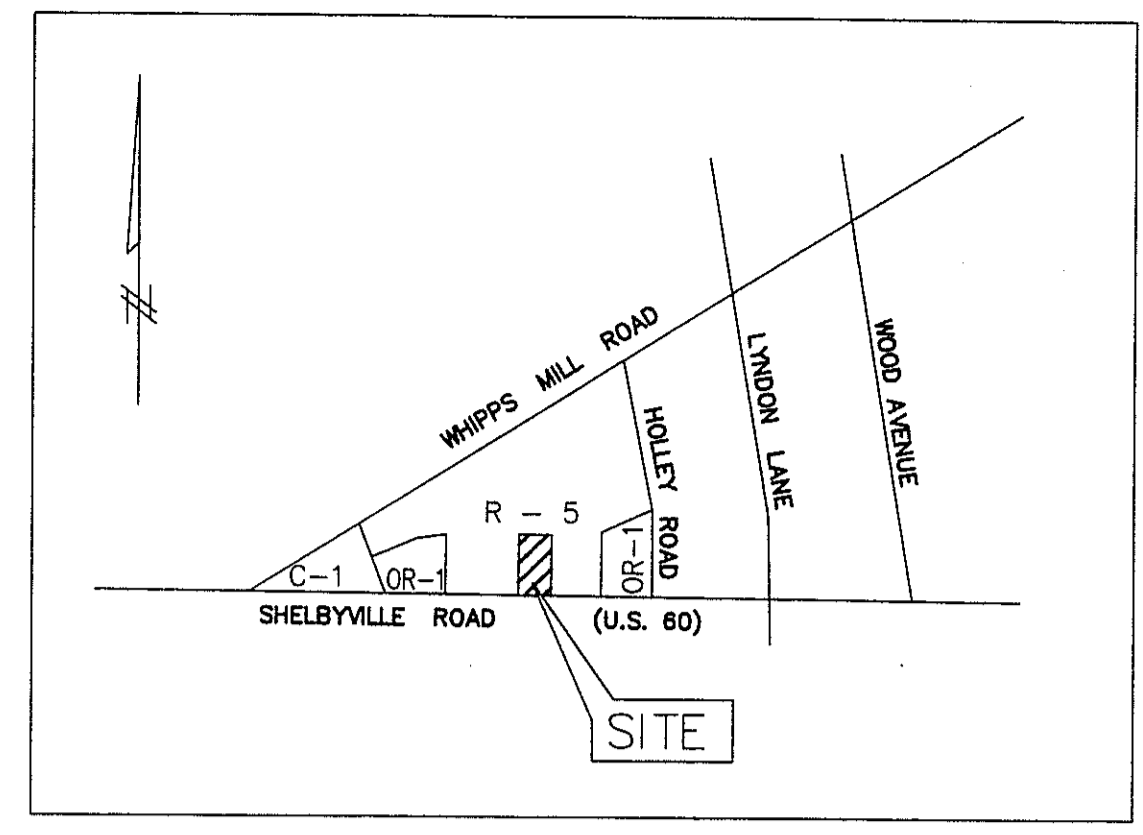
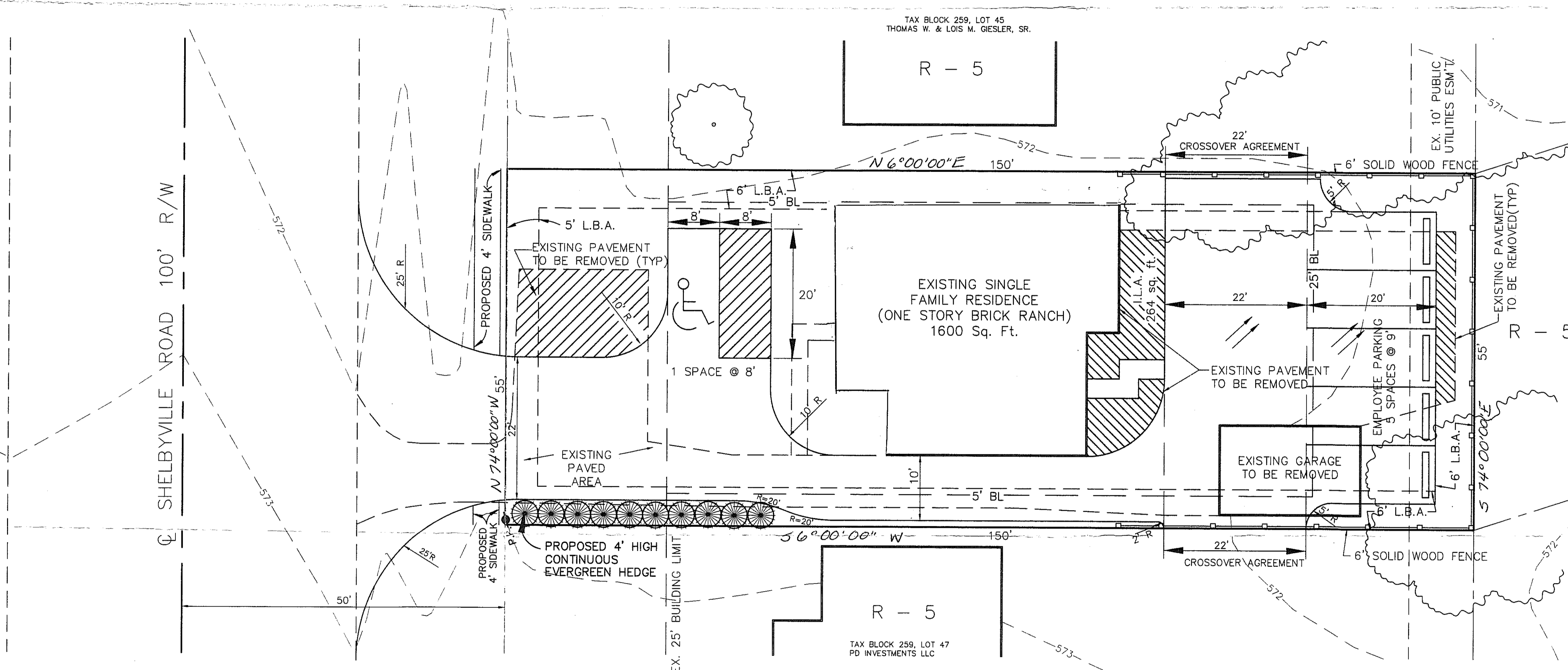
WHEREAS, The Commission finds the proposal to be in conformance with Guidelines O-3 and O-5 because the residential facade will remain promoting a good transition between adjacent buildings,

WHEREAS, The Commission finds that the small area study recommended this site and adjacent properties change the existing zoning to low impact office which many have completed,

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to the City of Lyndon that the change in zoning from **R-5 Residential Single Family to OR-1 Office/Residential** on property described in the attached legal description be **APPROVED**.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:



LOCATION MAP
N.T.S.

GENERAL NOTES:

1. Parking area to be a hard and durable surface.
2. No portion of the site is within the 100 year flood.
3. Owners may be subject to regional facility fee.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties.
6. No garbage dumpster will be on site.
7. No signs to be located on site.
8. The Shelbyville Road entrance will be removed when the adjoining properties are rezoned and constructed and the 22' Crossover Agreement is implemented, at that time, relocation of the handicap space will be required.
9. A State Encroachment Permit from the Kentucky Department of Transportation will be required prior to construction.

SITE DATA

TOTAL SITE AREA	= 0.19 acres
EXISTING ZONING	= R - 4
PROPOSED ZONING	= OR - 1
PROPOSED USE	= OFFICE
FLOOR AREA RATIO	= .062
PARKING SPACES REQUIRED	= 4
PARKING SPACES PROVIDED	= 6 (1 HANDICAP)

V.U.A. DATA

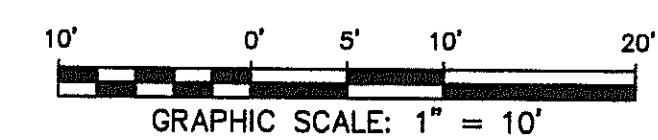
V.U.A.	= 4006 sq. ft.
I.L.A. REQUIRED	= 200 sq. ft.
I.L.A. PROVIDED	= 264 sq. ft.

NOTICE
PERMITS SHALL BE ISSUED ONLY IN CONFORMANCE WITH THE BINDING ELEMENTS OF THIS DISTRICT DEVELOPMENT PLAN
(S.A. Paul)

JEFFERSON COUNTY
APPROVED DISTRICT DEVELOPMENT PLAN
DOCKET NO. 9-17-98
APPROVAL DATE: 5/21/98
EXPIRATION DATE:
SIGNATURE OF PLANNING COMMISSION
S. Smith
COMMISSION PLANNING

PRELIMINARY APPROVAL
Conditions of Approval: Zoning Change
my
RS 2/20/98
Secondary Review Date
R. Sandberg
Storm Water Review Date
LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT

PRELIMINARY APPROVAL DEVELOPMENT PLAN
SHALL COMPLY WITH ORDINANCE #28
CONDITIONS:
See Note #8
BY: *P. O'Quinn*
DATE: 2-20-98
JEFFERSON COUNTY DEPT. OF PUBLIC WORKS



--- DENOTES PROPOSED DRAINAGE PATTERN

9-17-98

ENGINEER'S SEAL

LAND DESIGN & DEVELOPMENT
Engineering Planning Landscape Architecture
4800 Sherburn Lane Louisville, Kentucky 40207
fax (502) 894-9017 phone (502) 894-9009

ZONING CHANGE
R - 5 TO OR - 1
Owner:
RUTH SANDBACH
8217 SHELBYVILLE ROAD
LOUISVILLE, KENTUCKY 40222

PROJECT DATA	
DATE: AUGUST, 1997	SCALE: 1" = 10'
CHECKED BY: K.N.V.	DRAWN BY: T.W.R.

REVISIONS	
NO.	DESCRIPTION
1	REVISE PARKING LAYOUT

RECEIVED
FEB 24 1998
PLANNING & DEVELOPMENT SERVICES

SHEET 1 OF 1

BINDING ELEMENTS

DOCKET NO. 9-17-98

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to the City of Lyndon that the change in zoning from **R-5 Residential Single Family to OR-1 Office/Residential** on property described in the attached legal description be **APPROVED**.

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the district development plan **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.
2. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
3. The development shall not exceed 1,600 square feet of gross floor area.
4. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. The existing access point to Shelbyville Road is to be closed and access to the site be provided solely by the rear yard access easement at such time as the adjacent property to the east is developed non-residentially and access to Holley Road is available.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured and recorded granting access (as shown on the plan) to the adjoining property owners to the west and south. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
9. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

EXHIBIT G

PLANNING COMMISSION STAFF REPORT

MARCH 17, 1994

DOCKET NO. 9-74-93V (continued)

support the traffic resulting from this proposed development and the development approved to the east under Docket Nos. 9-64-92V, 9-63-92V, and 9-2-92VLW.

To address potential problems from outdoor lighting, staff suggests Binding Element No. 9 which requires outdoor lighting to be directed down and away from adjacent residential uses. Initially, the applicant proposed to dedicate five feet of additional right-of-way to Holley Road and construct a right-turn lane onto Shelbyville Road from Holley Road to handle additional traffic demands. Subsequent to the LD&T Committee meeting, the Department of Public Works and Transportation decided that these improvements were not necessary. All measures proposed to prevent nuisances should be discussed at the public hearing, particularly the potential nuisances identified by the Zoning Site Inspection Committee.

ISSUE 2: Design (Guideline 0-5)

To guarantee that the residential character of the existing structures is maintained, the applicant suggests Binding Element No. 3 requiring design approval from the LD&T Committee before the buildings are expanded or connected. The Zoning Site Inspection Committee says if the buildings are connected, the proposal may differ significantly in size, mass, and scale from the adjacent development. The applicant should describe the design of the proposed addition or submit a rendering to demonstrate that the proposal is compatible with the existing development.

No access is proposed on Shelbyville Road. All existing driveways will be removed. Access to the site will be provided from an internal driveway, across the rear of the sites, onto Holley Road. The three office uses will share the proposed access, driveway, and parking areas. If the adjacent residences west of the site are rezoned to allow non-residential uses, the proposed internal driveway on this site should be extended to provide access to those parcels. A similar design has been approved for the property on the north side of Shelbyville Road east of Holley Road. This arrangement reduces the number of curb cuts on U.S. 60, a major arterial with traffic congestion and air quality issues. An access and crossover easement should be executed among the three owners of the subject site, and with adjacent properties in the future, if they are rezoned. (See Binding Element No. 7.)

Fifteen parking spaces are required; 23 spaces are proposed. Since consolidation is not proposed, each lot must contain sufficient parking to support the amount of office square footage located on the site or a conditional use permit is required. (See Binding Element No. 11.d.)

EXHIBIT H

PLANNING COMMISSION MINUTES

JUNE 15, 1989

DOCKET NO. 9-28-89

Change in zoning from R-5 Residential Single Family to OR-1 Office Residential at 8211 Shelbyville Road in the City of Lyndon.

Owner/Developer: Neal Campbell
2030 Lakeside Drive 40205

Existing Use: Residential

Proposed Use: Accountant's Office

Notice of this public hearing appeared in The Courier-Journal on May 25, 1989, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicant.

A summary analysis of the staff report was given by a staff member (See Staff Report Appendix for staff report in full).

The following spoke in favor of this request:

Alex Talbott, Attorney, 2100 First National Tower, 40202, who submitted the signed binding elements; photocopies of pictures of the site and surrounding area; a petition containing five signatures in favor of the request; a copy of the plat plan, binding elements and approved stamp for Docket No. 9-77-82; copy of Planning Commission minutes of September 18, 1986, for Docket No. 9-67-86; copy of a memo to the Planning Commission from Paul Bergmann, Commission Director dated September 16, 1986; copies of a land use and zoning district map for Docket No. 9-67-86; Land Development and Transportation Committee minutes of April 25, 1985, for Docket No. 9-77-82; copies of the Kentucky Bureau of Highways specification plan for a sloped box outlet type I and grates for sloped box outlet type I; and a copy of Article 2, Language and Definitions, page 9 regarding home occupation.

Mrs. Betty Cunningham, 8212 Whipps Mill Road, 40222.

The following spoke in opposition:

Glenn Price, Jr., Attorney, 2700 First National Tower, 40202, representing the adjacent property owner, Lee Lorch.

Lee Lorch, 1500 Ridge Court, 40223.

Mr. Talbott spoke in rebuttal.

PLANNING COMMISSION MINUTES

JUNE 15, 1989

DOCKET NO. 9-28-89 (continued)

A transcript of the public hearing is on file in this docket.

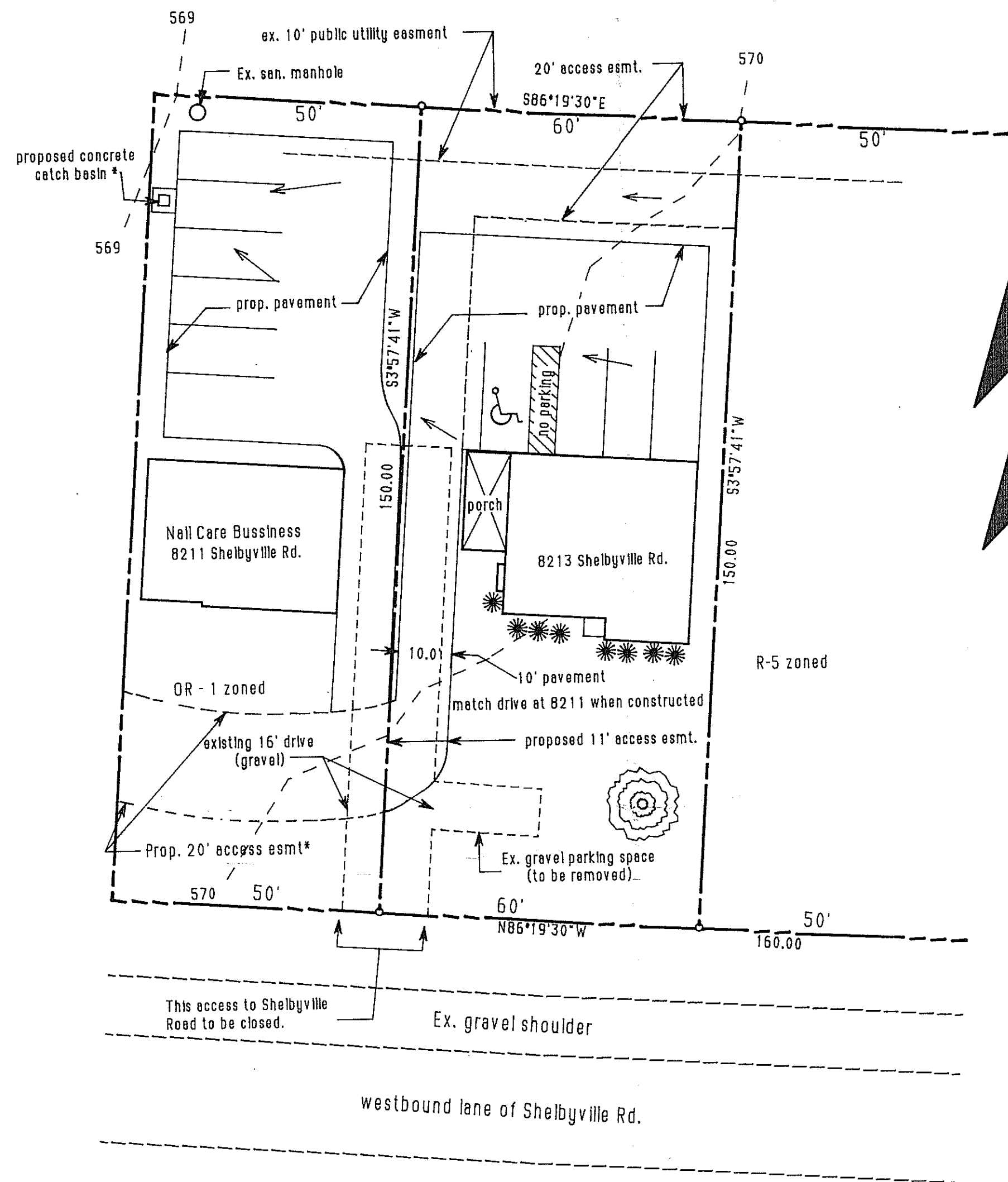
During business session, the applicant agreed to binding elements regarding a percentage of maintenance for the portion of the access easement that crosses the land to the west and restricting the use of the subject site to that of an accountants office.

In a business session conducted subsequent to the public hearing, the Commission took the following action.

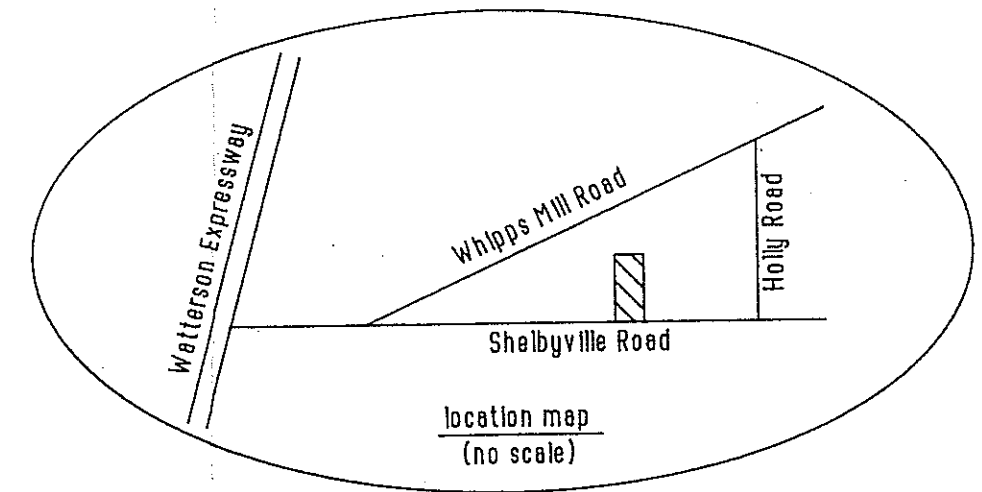
On a motion by Commissioner Herron, the following resolution was unanimously adopted:

WHEREAS, The Commission finds the exterior of the structure will remain residential in character; the parking area in the rear will be screened from adjoining residential areas; from evidence submitted, a substantial additional amount of landscaping is being added to the front yard area to enhance the residential appearance of this structure; the proposed sign will be 10 square feet in area attached to the facade of the building which will not be a visual nuisance or safety hazard; and the applicant has agreed to a binding element which restricts the use of the property to that of the accountants office only, thus, eliminating the potential for other more intense OR-1 uses; therefore, the proposal is in conformance with Guidelines R-1 and O-5, which encourages protection of neighborhoods from adverse impacts of development and land use changes, and lists design features;

WHEREAS, The Commission finds that access to the site will be provided by a joint access easement across the adjoining commercial tract, therefore, no additional curb cuts are proposed on the site; the proposed use is a low intensity use located along Shelbyville Road, a major arterial roadway, therefore, the proposal is compatible with the adjacent areas and will not adversely affect the traffic-carrying capacity of the street nor cause nuisances to the adjacent areas; the applicant has agreed to a binding element for a crossover easement agreement between the properties to the east and west which will encourage compact groupings of office uses and buildings with a common access point and is in compliance with the staff study for the area, thus, the proposed use will not extend linear development to the extent that such a pattern creates substantial nuisances, hazards or disruptions to the area, therefore, the proposal is in conformance with Guidelines O-2 and O-3, which allows individual offices on separate lots when excessive curb cuts do not create traffic problems, when the traffic-carrying capacity of a street is not affected and when strip commercial



* as required by LD&T docket # 9-28-89. Construction not yet accomplished, esmt not yet recorded



Lot area = .21 acres
 Bldg area = 1256 sq. ft.
 Ex. Zoning - R-5
 Prop. Zoning - OR-1
 Required Parking - 3 spaces
 Proposed Parking - 4 spaces
 VUA - 3871 sq. ft.
 Required Landscape - 194 sq. ft.
 Ex. Landscape - 200± sq. ft.

LEGEND

- DRAINAGE ARROW
- BUSH
- TREE
- HANDICAPPED SPACE
- EXISTING CONTOUR

NOTE: Sanitary Sewer service is at rear of property

<h2>8213 Shelbyville Road</h2>	
Scale: 1" = 20'	<h3>Zoning plan</h3>
Prepared for: Willem Hunt 10807 Dartford Place Louisville Ky. 40243 (502) 425 - 2100	Date: September 29, 1993
ECI EnviroEngineering & Consulting, Inc. 1000 North Hurstbourne Parkway Louisville, Ky. 40223 (502) 339-1777 FAX (502) 339-8129	Sheet no. 1 of 1